

Message Text

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43

ORIGIN ARA-10

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DRAFTED BY ARA/BC:RVFIMBRES:NG

APPROVED BY ARA/BC:RVFIMBRES

SCA:VO:JJARIAS

INS:JFGREENE (BY PHONE)

ORM:RDORR

ARA:GLISTER

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R 160149Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY SANTIAGO

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E.O. 11652: N/A

TAGS: SHUM, CI, PE

SUBJECT: PAROLE PROGRAM

REF: STATE 9491

1. FOLLOWING IS THE TEXT OF THE ATTORNEY GENERAL'S LETTER
DATED JANUARY 14, 1976:

QUOTE DEAR SECRETARY ROGERS: I AM WRITING WITH REGARD TO
YOUR LETTER OF DECEMBER 22, 1975 REQUESTING A CLARIFICATION
OF THE CRITERIA FOR THE CHILEAN PAROLE PROGRAM ESTABLISHED
IN JUNE, 1975. I UNDERSTAND THAT YOU HAVE MET WITH REPRESENTATIVES OF THE DEPARTMENT OF JUSTICE TO DISCUSS THE
QUESTIONS RAISED BY THE CRITERIA AND THAT THE DEPARTMENT
OF STATE IS OF THE VIEW THAT CHILEANS WHO WERE INCARCERATED
OR OTHERWISE RESTRICTED, EITHER AT THE TIME THE PROGRAM WAS
AUTHORIZED OR SUBSEQUENTLY, ARE ELIGIBLE FOR PAROLE. WE
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ARE INFORMED THAT A NUMBER OF THOSE FORMERLY INCARCERATED

HAVE BEEN RELEASED, ALTHOUGH SOME ARE SUBJECT TO RESTRICTIONS AND IT IS BELIEVED THAT MANY ARE IN DANGER OF BEING IMPRISONED AGAIN. NEVERTHELESS, WE HAVE BEEN ADVISED THAT EVEN IF INDIVIDUALS FORMERLY DETAINED ARE ACKNOWLEDGED TO BE ELIGIBLE, THOSE STILL INCARCERATED ARE EXPECTED TO CONSTITUTE THE MAJORITY OF CASES RECOMMENDED FOR PAROLE.

WE AGREE THAT THE DEPARTMENT OF STATE'S CONSTRUCTION OF THE CRITERIA IS PROPER. I HAVE ASKED GENERAL CHAPMAN TO INFORM THE APPROPRIATE REPRESENTATIVES OF THE HOUSE AND SENATE JUDICIARY COMMITTEES OF THIS TO ASSURE THERE ARE NO MISUNDERSTANDINGS. WHEN T'IS IS DONE, WE LOOK FORWARD TO WORKING 'TTH YOU TO SEE THAT THE CRITERIA ARE UNDERSTOOD AND PROPERLY APPLIED BY OUR RESPECTIVE REPRESENTATIVES IN CHILE.

I UNDERSTAND THAT YOU SHARE OUR CONCERN ABOUT THE LIMITED NUMBER OF CASES BEING REFERRED TO US FOR POSSILE PAROLE BY THE INTER-GOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION AND THAT YOU WILL BE DISCUSSING WITH OUR EMBASSY MEANS OF INCREASING OUR EFFORTS TO DEVELOP CASES WHICH COME TO OUR ATTENTION FROM OTHER SOURCES. I WAS PARTICULARLY PLEASED TO LEARN THAT YOU AGREE IT WOULD BE DESIRABLE TO CONSIDER INDIVIDUALS IN WHOM THERE IS STRONG AMERICAN INTEREST, REGARDLESS OF WHETHER PRELIMINARY INDICATIONS ARE THAT AM EXIT PERMIT WILL NOT BE ISSUED, AND TO MAKE HIGH LEVEL EFFORTS TO SECURE THEIR RELEASE IF PAROLE IS DETERMINED TO BE APPROPRIATE. I LOOK FORWARD TO HEARING FROM YOU REGARDING DEVELOPMENTS IN EACH OF THESE AREAS. WITH BEST WISHES, SINCERELY, EDWARD H. LEVI. UNQUOTE

2. WE WANT TO UNDERLINE AGAIN THAT AGREEMENT ON DEFINITION OF DETAINEES REFERRED TO ABOVE IS NOT OFFICIAL UNTIL (1) GENERAL CHAPMAN HAS HAD THE OPPORTUNITY TO INFORM THE APPROPRIATE COMMITTEES. CONSEQUENTLY, NOTWITHSTANDING THE IM,RESSION WHICH MAY HAVE BEEN CONVEYED BY REFTTEL, YOU SHOULD NOT REPEAT NOT COMMENCE TO PROCESS APPLICANTS UNDER THE ABOVE CRITERIA UNTIL YOU HAVE BEEN SPECIFICALLY AUTHORIZED TO DO SO. KISSINGER

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